

Remarks

In the Specification

A new paragraph is inserted into the specification on page 1 immediately following the title to identify the priority filings for the instant application.

In the claims

Claims 1-19 were pending.

Claims 1, 7, 16 and 19 are amended.

Claims 2-4, 8, 9, 11-15, 17 and 18 are original.

Claims 5, 6 and 10 are cancelled.

The application now contains claims 1-4, 7-9 and 11-19.

Claim 1 is amended to delete from the first line the phrases "comprising a main backbone" and "at least"; to limit the monomers of component II to "styrene, esters of (meth)acrylic acid, (meth)acrylonitrile, esters of unsaturated polyfunctional acids and vinyl esters of C₂ to C₁₈ carboxylic acids" and to limit the monomers of optional component III to "vinyl amine, vinyl alcohol, vinyl derivatives of dimethyl siloxane, aminosiloxanes, hydroxyalkyl acrylates, (meth)acrylic acid and (meth)acrylic acid salts ". Support is found in original claims 5 and 6 and in the specification on page 12 lines 1-8.

Claim 7 is amended to limit X to a divalent oxygen and to delete C₁-C₁₂alkoxy as a value for R₆. Claims 16 and 19 are amended to remove multiple ranges. Support is inherent in the claims.

No new matter has been added.

Rejections

Claim 19 is rejected under 35 USC 112 second paragraph for being indefinite due to the phrase "other types of finishing processes". The phrase means is deleted. Applicants therefore kindly ask the Examiner to withdraw the 35 USC 112 rejections of claim 19.

Claims 1-19 are rejected under 35 USC 102(b), as being anticipated by, or alternatively under 35 USC 103(a) as obvious over, Keil, US 4,753,999.

Applicants respectfully traverse the rejections.

Keil discloses a textile auxiliary comprising a polymer of A) a diallyl ammonium monomer, B) a vinyl amide monomer and C) a (meth)acrylic ester. The instant amendments have restricted the instant polymers to those made up of I diallyl ammonium monomers, II hydrophobic monomers selected from styrene, esters of (meth)acrylic acid, (meth)acrylonitrile, esters of unsaturated polyfunctional acids and vinyl esters of C₂ to C₁₈ carboxylic acids, optional monomers III selected from vinyl amine, vinyl alcohol, vinyl derivatives of dimethyl siloxane, aminosiloxanes, hydroxyalkyl acrylates, (meth)acrylic acid and (meth)acrylic acid salts, and IV an optional crosslinking agent. There are no vinyl amide monomers in the polymers of the instantly amended claims.

Applicants further note that amino alkyl (meth)acrylates and their salts have also been deleted as a possible choice for instant optional monomers III removing possible overlap with the component B⁴, formula V of Keil, column 4 of US 4,753,999. Alkyl (meth)acrylates and their salts are not included in instant component II as these monomers are clearly designated as water soluble monomers (instant specification, top of page 12) and are not considered hydrophobic as required in instant component II.

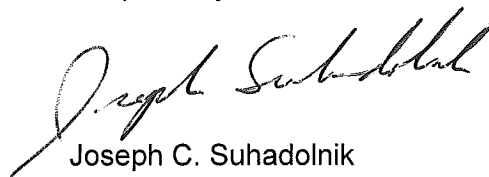
Applicants respectfully submit that as the polymers of Keil must comprise vinyl amide monomers, and/or ammonium component B⁴, there is no overlap between the polymers of the instantly amended claims and Keil and thus no anticipation. Applicants therefore kindly ask that the rejections of claims 1-19 are under 35 USC 102(b) be withdrawn.

Applicants further respectfully submit that Keil does not suggest the instant invention as to be effective, the polymers of Keil must contain elements different from those found in the instant polymers. Applicants submit that it would be surprising that polymers lacking fundamental elements of the polymers of Keil would be effective and therefore kindly ask that the rejections of claims 1-19 are under 35 USC 103(a) be withdrawn.

Claims 1-19 are provisionally rejected on the grounds of non-statutory obviousness type double patenting over each of US Pat Appl No. 11/792,031 and US Pat Appl No. 11/795,329. Enclosed are terminal disclaimers over each of US Pat Appl No. 11/792,031 and US Pat Appl No. 11/795,329. Applicants thus kindly ask that the provisional obviousness type double patenting rejections be withdrawn.

Applicants respectfully submit that all objections and rejections are addressed and are overcome and kindly ask that they be withdrawn and that claims 1-4, 7-9 and 11-19 be found allowable. In the event that minor amendments will further prosecution, Applicants request that the examiner contact the undersigned representative.

Respectfully submitted,



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Enclosed: Terminal disclaimer over US Appl No. 11/792,031

Terminal disclaimer over US Appl No. 11/795,329